



OFFICE OF THE CITY CLERK CITY OF BINGHAMTON

William Berg, City Council President
Jeremy Pelletier, City Clerk

**BOARD OF ESTIMATE AND APPORTIONMENT
MEETING MINUTES
DPW Conference Room, 3rd Floor City Hall
Wednesday March 4, 2015**

Call to Order. Called to order at 11:15am by Richard C. David, Mayor

Board Members Present: Chuck Shager, Comptroller; Gary Holmes, City Engineer; Terry Kellogg, Commissioner of Public Works, Kenneth J. Frank, Corporation Counsel; Richard C. David, Mayor

Board Members Absent: None

Also Present: Tito Martinez, Deputy City Clerk

ITEMS CONSIDERED

Permanent Easement for Portion of 70-72 Court Street. Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Kenneth J. Frank sent a letter to Mr. Pope requesting a better description of the distances of the proposed easements

Water Street – Public Right of Way. Offer to purchase Water Street-Public Right of Way (L74 Pg. 356) for \$5,200, submitted by Ellis Brothers and Joseph Inc. on July 14, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on July 16, 2014. Scott Snyder responded on 7/16/2014 stating that he had no objection to the sale of the property. Bob Murphy responded on October 27, 2014 stating that assuming the OTP meets Scott Snyder's okay and last I heard the neighboring property owners were supportive – I have no objection. Tom Costello responded on 11/10/14 stating that he was in favor of the sale of the property but not the proposed use of the property. Jennie Skeadas-Sherry responded on 11/10/2014 stating that she does not have any problem with the purchase. Kenneth Frank will look into easements and rights of way for adjacent property owners. Kenneth J. Frank to meet with Gary Holmes, Robert Murphy and Jennie Skeadas-Sherry to review maps to ensure that of property owners has access to their buildings. Letter regarding easements and rights of way were drafted and will be sent to the attorney representing Ellis Brothers and Joseph Inc. Kenneth J. Frank will send a letter to the company's attorney regarding the easements for the adjacent property owners. A letter will also be sent to the property owner of the garage to ensure it is abandoned.

Donation of 5 Williams Place.

Motion to accept the donation of 5 Williams Place, provided all taxes, utility bills and any other debts are paid and up to date.

Moved by Holmes, seconded by Frank.

Motion carried. (Vote 5-0)

Ayes: Frank, Shager, Holmes, Kellogg, David

Nays: None



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Absent: None

NEW BUSINESS

Approval of Minutes. Request to approve the minutes from the Board of Estimate and Apportionment meeting held on February 25, 2015.

Motion to approve minutes from February 25, 2015.

Moved by Shager, seconded by Frank.

Motion carried. (Vote 5-0)

Ayes: Frank, Shager, Holmes, David, Kellogg

Nays: None

Absent: None

Potential Settlement. Mondolfi. Presented by Brian Seachrist, First Assistant Corporation Counsel.

Executive Session. Motion to enter into Executive Session at 11:25am to discuss litigation.

Moved by Mayor David, seconded by Ken Frank.

Voice vote, none opposed.

Reconvene. Called to order at 11:30am by Richard C. David, Mayor.

Present: Richard C. David, Mayor; Kenneth J. Frank, Corporation Counsel; Chuck Shager, Comptroller, Gary Holmes, Commissioner of Public Works

Absent: None

Also Present: Tito Martinez, Deputy City Clerk

Motion authorizing Corporation Counsel to settle litigation as discussed in executive session.

Moved by Ken Frank, seconded by Chuck Shager.

Motion carried. (Vote 5-0)

Ayes: Frank, Shager, Holmes, Kellogg, David

Nays: None

Absent: None

Budget Transfer. Request to make various transfers in the 2015 budget as follows:

<u>From Budget Line</u>	<u>Amount</u>
A1440.51000 (Personal Services – City Engineer)	\$11,300.00
A1640.51000 (Personal Services – General Equip Mech)	\$7,000.00
A7110.51000 (Personal Services – MEO)	\$4,400.00
A6989.51000 (Personal Services – Ec Dev Spec Fin Analyst)	\$7,300.00
A.42410 (Rental of Real Property – Ely Park Golf Course)	<u>\$25,000.00</u>
<u>Total</u>	\$55,000.00

<u>To Budget Line</u>	<u>Amount</u>
A6989.54410 (Professional Services)	<u>\$55,000.00</u>
<u>Total</u>	\$55,000.00



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Motion to approve various budget transfers in the 2015 Budget.

Moved by Shager, seconded by Kellogg.

Motion carried. (Vote 5-0)

Ayes: Frank, Shager, Holmes, Kellogg, David

Nays: None

Absent: None

Flynn Avenue. A combined offer to purchase Flynn Avenue, received from John W. Young & Associates on behalf of Binghamton Giant Market, Inc. and Vestal Penn Enterprises, Inc. for \$500 per applicant. Scott Snyder responded on July 2, 2014, stating that the offer price of \$500 per applicant is low and unacceptable. Mr. Garbarino and Mr. Young attended the meeting on July 16, 2014 and provided clarification on the proposal. Mr. Snyder stated that the fair market value for the property is \$6,250. Mr. Garbarino and Mr. Young did not change the offer.

Flynn Avenue. Tom Torto submitted an offer to purchase Flynn Avenue for \$6,250 on February 23, 2015. Individual is planning on having a concession food trailer located at 1150 Vestal Avenue and would like to purchase this paper street to ensure that he has independent access to and from his concession food trailer.

Adjournment. Motion to adjourn at 11:30am.

Moved by David, seconded by Shager.

Voice vote, none opposed.